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# Information presented by the Palestinian Independent Commission for Human Rights*.

## Note by the Secretariat

The Secretariat of the Human Rights Council hereby transmits the communication submitted by the Palestinian Independent Commission for Human Rights**, reproduced below in accordance with rule 7(b) of the rules of procedures described in the annex to Council resolution 5/1, according to which participation of national human rights institutions is to be based on arrangements and practices agreed upon by the Commission on Human Rights, including resolution 2005/74 of 20 April 2005.

* National human rights institution with "A"-status accreditation from the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

** Reproduced in the annex as received, in the language of submission only.

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# Annex

*[English only]*

## Submission by the Palestinian Independent Commission for Human Rights

### The Right to Movement and Travel in Light of the Ongoing Blockade of the Gaza Strip

The Israeli Occupying Forces IOF has continued with the policy of collective punishment and violations of human rights in the Gaza Strip. In July 2014, The IOF forces launched the war on the Gaza Strip and committed violations that amounted to war crimes. This year has witnessed the worst violations committed against Palestinian public freedoms and right to movement and travel, which is a fundamental human right and a crucial norm according to international law. While it cannot be denied under any pretext, the siege which has been imposed on the Gaza Strip since mid-June 2007 by Israel undermines this right to movement and travel. The violations against freedom of movement and travel for the Palestinians in the Gaza Strip are still ongoing, including on the border crossings which has further exacerbated their suffering.

Israel has imposed these restrictions as part of its collective punishment policy in flagrant violation of the right to movement and travel which is enshrined in all international conventions of human rights, mainly the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights which the State of Palestine joined on the 2nd of April 2014. The accession of the State of Palestine to these conventions requires from the international community, mainly the United Nations, to take necessary steps to fulfill their legal obligations and apply pressure on Israel to lift the siege and ensure the right to movement and travel as well as the right to leave the country and return to it freely with no restrictions in conformity with the international conventions of human rights.

The IOFs systematic policy of restricting the freedom of movement and travel for the Palestinians through Beit-Hanun\Erez Crossing constitutes grave breaches of the agreements signed with the Palestinians that requires Israel, as the occupying power, to handle the West Bank and the Gaza Strip as one geographical unit and to ensure freedom of movement of persons and goods through a safe passage.

The ongoing siege on the Gaza Strip undermines the humanitarian and living conditions of about 1.8 million Palestinian civilians. It has aggravated the status of human rights, mainly the right to movement and travel from and to the Gaza Strip. The crisis in the Gaza Strip was further exacerbated due to the closure of the border crossings, the reduction of job opportunities and restriction on livelihood. It has restricted Palestinian civilians to access health-care centers, education, work, housing, decent life and security services. Moreover, it has affected the social life of the Palestinian citizens in the Gaza Strip in a way that undermines their ability to enjoy a secure future.

Though the truce agreement signed between Israel and the Palestinians in Cairo on 26th of August 2014, it provided for an immediate easing of Israel's blockade of the border crossings into Gaza, and a gradual lift of the siege.

Along the ongoing closure of the border crossings between Gaza and Israel during 2014, the intermittent closure of Rafah crossing between Gaza and Egypt continued to remain inaccessible. It was closed for 241 days throughout the year and opened for 124 days intermittently. It was only opened for humanitarian cases. It was also opened to allow

holders of foreign passports, patients and students to leave and, allowed Palestinians stranded in Egypt and other countries to enter.

These policies exacerbated the tragic conditions of thousands of Palestinian civilians deprived of travel due to the closure of the border crossings between Gaza and Israel. Hundreds of patients who were in urgent need for treatment abroad were prohibited by the IOF from leaving to seek medical treatment in the West Bank. The Palestinian civilians who have residency in other countries, mainly employees and students living in Arab and foreign countries, were also prohibited by Israel from leaving the Gaza Strip.

Israeli violations of the Palestinians right to movement and travel further impacted other rights such as the right to education, health, work and participation in sport and cultural activities.

The IOF continues their violations on rights for the Palestinian civilians, turning a blind eye to the agreements signed with the PA and Human Rights Conventions.

**Recommendations**

The violations on the right to travel has affected 1.8 million Palestinian civilians that have been denied their right to movement and travel which as ultimately effected their rights to work, education and other basic needs.

In light of the aforementioned, ICHR confirms that the Gaza Strip is still besieged by the IOF as part of Israel's policy of collective punishment that adversely affects the different walks of life for the Palestinians living in the Gaza Strip.

It also confirms that the Gaza Strip is part of the occupied Palestinian territory and so Israel should fulfill its obligations under the international law and as the occupying power, for all its civilians.

Regarding the Palestinian case, international law binds and obligates Israel to abide by its legal obligations, particularly regarding the measures required to ease movement of citizens and goods. Thus, the IOF are bound to make a final decision to end the illegal siege which is a clear violation of international humanitarian law. In the same vein, the international community should force the IOF to open Beit-Hanun \ Erez Crossing which is the only border crossing that geographical connects the Gaza Strip and the West Bank, including occupied East Jerusalem. Such a step is necessary for Palestinian civilians in the Gaza Strip to be allowed the right to movement between the Palestinian cities and abroad.

The international community should also immediately intervene to force the IOF to end use of collective punishment against the Palestinians in the Gaza Strip and open the border crossings surrounding Gaza in order to alleviate the critically deteriorating humanitarian conditions there.

Being aware of the worsening security conditions in Sinai, ICHR maintains that this does not exempt the national consensus government from its responsibility to reach an agreement with the government of Egypt to put an end to the suffering of the Palestinian civilians on the Rafah border and to agree to an appropriate mechanism to open this crossing to enable the Palestinians to exercise the right to movement and travel from and to the Gaza Strip and fundamentally end their suffering with no further complications.